

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

ROBERT HEARD,

Plaintiff

VS.

Judge B. AVANT EDENFIELD, Judge
W. LEON BARFIELD, Judge G.R. SMITH,
Warden MARTY ALLEN, and VSP
Gangs and Muslims,

Defendants

NO. 7:14-cv-26 (HL)

ORDER

Plaintiff **ROBERT HEARD** has filed a 42 U.S.C. § 1983 complaint. He has neither paid the Court’s filing fee nor filed a motion to proceed *in forma pauperis*.

As indicated in this Court’s Order dated February 25, 2014 (*Heard v. Cowart*, 7:14-cv-16 (HL) (Doc. 5)), Plaintiff, a prisoner who has incurred “three strikes” under 28 U.S.C. § 1915(g), is a serial filer of section 1983 actions. As in his prior filings, Plaintiff here conclusorily alleges that he is in “imminent danger of serious physical injury.” According to Plaintiff, Defendants “used the gangs and Muslims to assault [him].” Plaintiff attached a bloody tissue to his complaint as evidence of the “latest of the beatings.”

In addition to such “gangs and Muslims,” Plaintiff sues three federal judges and Marty, Allen, the Warden of Valdosta State Prison. Plaintiff’s brief allegations fail to state Warden Allen’s involvement in, or knowledge of, the alleged assault. *See Farmer v. Brennan*, 511 U.S.

825, 837 (1994) (“[A] prison official cannot be found liable under the Eighth amendment ... unless the official knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.”). Plaintiff’s suing judges and certain other statements made in his complaint are fanciful or delusional (*e.g.*, that the Defendants were trying to harm Plaintiff’s sister and steal his identity). *See Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992). Finally, other prisoners are not proper Defendants in a section 1983 action. *See* 42 U.S.C. § 1983; *Simonton v. Tennis*, 437 F. App’x 60, 62 (3d Cir. July 13, 2011) (inmates are not state actors for purposes of section 1983).

For the above reasons and the reasons stated in this Court’s February 25th Order, this action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this 4th day of February, 2014.

s/ Hugh Lawson
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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